



# Town of Merrimack, New Hampshire

Community Development Department

603 424-3531

6 Baboosic Lake Road

Fax 603 424-1408

Town Hall - Lower level - East Wing

[www.merrimacknh.gov](http://www.merrimacknh.gov)

Planning - Zoning - Economic Development - Conservation

## MEMORANDUM

**Date:** May 28, 2015

**To:** Robert Best, Chairman, & Members, Planning Board

**From:** Donna Pohli, Assistant Planner

Emily Edwards, Planning Intern

**Subject:** **Merrimack Premium Outlets, LLC. (applicant/owner)** – Review for acceptance and consideration of Final Approval of an application for a minor subdivision of one lot into two lots. The parcel is located at 80 Premium Outlets Boulevard in the I-2 (Industrial) and Aquifer Conservation Districts, and Wellhead Protection Area. Tax Map 3C, Lot 191-1.

**Background:** The subject property is an approximately 143.991 acre lot located at 80 Premium Outlets Boulevard in the I-2 (Industrial) and Aquifer Conservation Districts, and Wellhead Protection Area. The property is currently serviced by municipal water (MVD) and sewer.

The applicant proposes to subdivide the existing Merrimack Premium Outlets property into two parcels (shown on the proposed plan as Lots 191-1-1 and 191-1-2), for the purpose of separately financing the two phases of development. Proposed Lot 191-1-1 will be 111.629 acres and proposed Lot 191-1-2 will be 32.362 acres.

The project was previously granted a variance in June 2013 from Section 2.02.4 (9)(b)(7)(i) of the Zoning Ordinance to allow Outlet Village Shops to be located on a parcel smaller than 100 acres. The overall parcel was developed several years ago consistent with the approved Conditional Use Permit and site plan approval.

According to the project narrative, it is intended that this subdivision will not modify either the Conditional Use Permit or site plan approvals currently in place, but would allow further phases of the development to go forward under separate financing arrangements. The applicant has stated that the operation of the Outlet Village Shops will continue as a single coordinated effort by the current owner/operator. Cross easements for parking, access and utilities will be created as necessary to allow the center to continue to operate as it does today.

**Completeness:** Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

**Waivers:** The applicant requests a waiver from the requirements of Section 4.06.1(i) of the Subdivision Regulations requiring "Locations of all monuments to be set at street intersections, points of curvature and tangency of curved streets and at angles of lots" to be shown on the plan. The applicant requests that this requirement be waived for the portion of the property line between the two lots to be created that is within the developed area of the property. Since the properties will be subject to a joint maintenance

agreement, and because there are no setback requirements in the I-2 District, staff agrees that there is no real need to create a demarcation between the lots. The applicant agrees to provide monuments outside of the developed areas of the property.

**Recommendation: Staff recommends that the Board vote with respect to this waiver request and any other waiver requests utilizing the criteria from RSA 674:36:**

- Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
- Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

**The planning staff recommends that the Board grant conditional final approval to the application with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:**

1. Final plans to be signed by the Applicant and Property Owner;
2. Any waivers granted shall be listed with the section number and date of approval on the Final Plan;
3. Applicant shall address any forthcoming comments from the Department of Public Works (as applicable);
4. Address any forthcoming comments from the Assessing and Fire Departments, including future numbering of the proposed lots and addressing requirements (as applicable);
5. Address any forthcoming comments from the Conservation Commission (as applicable);
6. Address any forthcoming comments from the Merrimack Village District (as applicable);
7. Address planning staff technical comments. (Below)

**Planning Staff Technical Comments**

1. Applicant to add a note to the plan indicating that the plan is to be recorded at HCRD and that a copy is on file with the Community Development Department;
2. Applicant to add a note indicating the availability of public water and sewer services;
3. Applicant to add the owners address to the title block of the plan.

**Staff also recommends that the following general and subsequent conditions be placed on the approval:**

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;

2. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant.

Ec: Merrimack Premium Outlets, LLC. , Applicant/Owner  
Gordon Leedy, Engineer  
Glen Johnson, Land Surveyor  
Morgan Hollis, Legal Council  
Carol Miner and Fred Kelley, Building Department  
Kyle Fox, Deputy Director of Public Works/Town Engineer  
John Manuele, Captain, Merrimack Fire Department  
Loren Martin, Assessing Department

Cc: Planning Board File  
Correspondence